

**To:** Ostrander, David[Ostrander.David@epa.gov]  
**From:** Sandoval, Joni  
**Sent:** Fri 9/18/2015 4:25:29 PM  
**Subject:** Fwd: Heads up!

## Nonresponsive

Sent from my iPhone

Begin forwarded message:

**From:** Kenneth Rhame <Rhame.Kenneth@epa.gov>  
**Date:** September 18, 2015 at 9:17:57 AM MDT  
**To:** "Ackerman, Joyce" <Ackerman.Joyce@epa.gov>, "Sandoval, Joni" <Sandoval.Joni@epa.gov>  
**Subject:** Fwd: Heads up!

Kenneth B Rhame  
US EPA Region 4  
On-Scene Coordinator  
Raleigh, NC  
(919) 475-7397 cell

Begin forwarded message:

**From:** "Haugen, Lisa" <Haugen.Lisa@epa.gov>  
**Date:** September 18, 2015 at 7:43:33 AM MDT  
**To:** "Boykin, Michael" <Boykin.Michael@epa.gov>, "Casillas, Laura" <Casillas.Laura@epa.gov>, "Christenson, Dave" <Christenson.Dave@epa.gov>, "Cobb, Wilda" <Cobb.Wilda@epa.gov>, "Daly, Eric" <Daly.Eric@epa.gov>, "DOnofrio, Cris" <DOnofrio.Cris@epa.gov>, "Fife, Greg" <fife.greg@epa.gov>, "Francendese, Leo" <Francendese.Leo@epa.gov>, "Mickunas, Dave" <Mickunas.Dave@epa.gov>, "Morrison, Denise" <Morrison.Denise@epa.gov>, "Novak, Paul" <Novak.Paul@epa.gov>, "O'Grady, John" <Ogrady.Johnj@epa.gov>, "Reyes, Brenda" <Reyes.Brenda@epa.gov>, Kenneth Rhame <Rhame.Kenneth@epa.gov>, "Scharr, Ruth" <Scharr.Ruth@epa.gov>, "Sherrin, Alex" <Sherrin.Alex@epa.gov>, "Staiger, Kimberly" <Staiger.Kimberly@epa.gov>, "Weigel, Greg" <Weigel.Greg@epa.gov>  
**Cc:** "Cooper, Destinee" <COOPER.DESTINEE@EPA.GOV>, "Doolan, Stephanie" <Doolan.Stephanie@epa.gov>, "Ottlinger, Michael" <Ottlinger.Michael@epa.gov>, "Calder, Steven" <Calder.Steve@epa.gov>, "Copt, Britta" <Copt.Britta@epa.gov>, "Coryell, Mark" <coryell.mark@epa.gov>, "Douglas, Arelia"

<Douglas.Arelia@epa.gov>, "Estrada, Thelma" <Estrada.Thelma@epa.gov>, "Greaves, Natasha" <Greaves.Natasha@epa.gov>, "James, Nathaniel" <james.nathaniel@epa.gov>, Karen Kellen <karenkellen22@gmail.com>, "Kellen, Karen" <Kellen.Karen@epa.gov>, "Miller, Dennis" <miller.dennise@epa.gov>, "Morton, Gary" <Morton.Gary@epa.gov>, "Myers, Lucretia" <MYERS.LUCRETIA@EPA.GOV>, "Oliver, Priscilla" <Oliver.Priscilla@epa.gov>, "Owens, Mariejr" <Owens.Mariejr@epa.gov>, "Saracco, Silvia" <Saracco.Silvia@epa.gov>, "Schulze, Jeanne" <Schulze.Jeanne@epa.gov>, "Tseng, Antony" <Tseng.Antony@epa.gov>, "Wiener, Russell" <Wiener.Russell@epa.gov>  
**Subject: Heads up!**

# Nonresponsive

Lisa

## Lawmakers to EPA Chief: Fire Employees Over Self-Created Spill

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EPA

Administrator Gina McCarthy is sworn in before Thursday's hearing on the Colorado spill. Lauren Victoria Burke/AP

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Lawmakers in both parties on Thursday urged the Environmental Protection Agency to fire employees involved in the massive spill of contaminated mine water into the Animas and San Juan rivers, though the agency's chief did not make any guarantees that she would follow their advice.

EPA Administrator Gina McCarthy told members of the House Oversight and Government Reform and the Natural Resources committees she would hold accountable any employees found to have acted negligently or criminally, but said she will leave that judgment to a review currently being conducted by the Interior Department. In its own report on the incident released last month, the EPA deflected blame away from itself.

Many lawmakers on the committees, which held a joint hearing, refused to accept the EPA's explanation that the spill -- which dumped 3 million gallons of the defunct Gold King Mine's wastewater into the Animas River in Colorado -- was inevitable. EPA inspectors were called into the mine by local authorities after contaminated water was found to be dripping from it into the Animas, which also feeds into New Mexico and Utah. When EPA officials were attempting to remove debris from a mine entrance, the built up water blew out and temporarily turned the river orange.

"I fully accept being held responsible," McCarthy said, adding it was too soon to know if any EPA employees should be fired over the incident. If the Interior investigation finds failures of management or "criminal concerns," she added, the employees will be held accountable.

"They made a judgment that turned out to be wrong," the administrator said of the inspectors. "We will follow up and they will be held accountable if there were mistakes made, if they could have avoided this, if they forgot to look at something or made a judgment that wasn't based on profound and good engineering and science."

If that leads to employees getting fired, she said, "I will have to live with the consequences."

Republican lawmakers accused McCarthy of not holding her own agency to the same standard as she would a private company that caused such a spill.

"There's the rub," said Rep. Louie Gohmert of the suspected inequity. "Your agency is above the law."

Gohmert's colleague, Rep. John Mica, R-Fla., asked for a list of every EPA employee with authority over the inspectors and for McCarthy to ensure none of them would receive bonuses. McCarthy agreed to provide the information, but said the most important action she could take going forward was to determine the lessons learned.

Rep. Lacy Clay, D-Mo., said his colleagues were missing the point by blaming the EPA for the spill rather than the mine companies that "made the mess."

"We should be ashamed of ourselves," Clay said. "We should be ashamed of

what we're doing today.” He added: “I hope we have the guts to actually clean it up and stop pointing fingers.”

Not all Democrats agreed with Clay’s sentiments. Rep. Don Beyer, D-Va., a freshman lawmaker who has quickly established himself as a friend to federal employees, said there are still unanswered questions.

Regarding the employees involved in the spill, Beyer said he hopes to determine “should they be fired, or have their pay docked, or be yelled at?”

Rep. Dan Newhouse, D-Wash., told McCarthy that without accountability, EPA’s credibility would be questioned.

EPA’s “ability to perform its duties is on the line here,” Newhouse said. “It’s at risk as much as anything else. I hope we can take you at your word and that we are satisfied that the people that are in charge are held accountable.”

Lisa Haugen

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*Don't curse the darkness - Light a candle. Chinese proverb*